

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Freddie Louis Dillard,

Plaintiff,

v.

Civil No. 09-2061 (JNE/JJG)  
ORDER

State Department of Corrections and  
Joan Fabian, Commissioner,

Defendants.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeanne J. Graham, United States Magistrate Judge, on October 7, 2009. The magistrate judge recommended that Plaintiff's amended application to proceed in forma pauperis be denied, that Plaintiff's motion for leave to file an amended complaint be denied, that this action be summarily dismissed, that Plaintiff be required to pay the unpaid balance of the filing fee, and that the dismissal of this action be counted as a strike against him for purposes of 28 U.S.C. § 1915(g). Plaintiff objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Plaintiff's amended application to proceed in forma pauperis [Docket No. 5] is DENIED.
2. Plaintiff's motion seeking leave to file an amended complaint [Docket No. 6] is DENIED.
3. This action is SUMMARILY DISMISSED without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).
4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350.00 fee, in accordance with 28 U.S.C. § 1915(b)(2).

5. For purposes of 28 U.S.C. § 1915(g), this action is dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.”

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 27, 2009

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge